

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

|   |   |              |
|---|---|--------------|
| JOSEPH THOMAS AND JOANNE THOMAS,<br>H/W                                   | : |              |
|   | : | CIVIL ACTION |
| V.  | : |              |
|   | : |              |
| ABX AIR, INC.; AND PAC NATIONAL   | : |              |
|   | : | NO. 02-3269  |
| V.  | : |              |
|   | : |              |
| MEESE, INC.; TRI-LINK TECHNOLOGIES,<br>LTD.; AND GRANGER INDUSTRIES, INC. | : |              |

**COUNTERCLAIM OF THIRD PARTY DEFENDANT MEESE, INC.  
AGAINST THIRD PARTY PLAINTIFF ABX AIR, INC.**

Third Party Defendant, Meese, Inc., asserts that the Third Party Plaintiff is liable to it for contribution and/or indemnity for the following reasons:

1. For purposes of this Counterclaim, all allegations of the Plaintiffs' Complaint and the Third Party Complaint, otherwise at issue and not admitted by the Counterclaimant are incorporated herein.

2. If it is judicially determined that the Plaintiffs have the right to recover damages, same being denied, then such recovery should be effected only against the Third Party Plaintiff, ABX Air, Inc., and in the event of a judgment for Plaintiffs and against the Third Party Defendant and Counterclaimant, Meese, Inc., said party is entitled to and request judgment against ABX Air, Inc. for contribution and indemnification.

WHEREFORE, Third Party Defendant, Meese, Inc., respectfully requests judgment

in its favor and against the Plaintiff and in regard to its Counterclaim respectfully requests judgment in its favor and against the Defendant and Third Party Plaintiff, ABX Air, Inc., for contribution or indemnification.

MARGOLIS EDELSTEIN

BY: WALTER J. TIMBY, III, ESQUIRE  
Attorney for Third Party Defendant  
Meese, Inc.  
Identification No. 23894  
The Curtis Center - Fourth Floor  
Independence Square West  
Philadelphia, PA 19106-3304  
(215) 922-1100

**VERIFICATION**

Walter J. Timby, III, Esquire, states that he is the attorney for Meese, Inc., Third Party Defendant herein; that he is acquainted with the facts set forth in the foregoing Counterclaim against Third Party Plaintiff ABX Air, Inc.; that the same are true and correct to the best of his knowledge, information and belief, and that the statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

WALTER J. TIMBY, III, ESQUIRE

Dated:

**CERTIFICATE OF SERVICE**

I, WALTER J. TIMBY, III, ESQUIRE, hereby certify that a true and correct copy of Third Party Defendant's Counterclaim against Third Party Plaintiff ABX Air, Inc., was sent to all parties, via United States mail, postage pre-paid, on April 15, 2003.

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